



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

SEP 20 2017

REPLY TO THE ATTENTION OF:

Mr. Joseph Wildcat, Sr., President
Lac du Flambeau Band of Lake Superior Chippewa
418 Little Pines Road
Lac du Flambeau, Wisconsin 54538

Dear President Wildcat:

Thank you for your letters dated August 16 and September 13, 2017. I, too, am encouraged by the commitment by all of the parties to clean up the source area. As mentioned most recently during our call on August 28, 2017, time is short and funding is limited if the source area is to be remediated in coordination and in time with funding available through the property owners' participation in the Wisconsin Department of Natural Resources (WDNR)'s Petroleum Environmental Cleanup Fund Award (PECFA) program.

As we discussed during our August 28th call, EPA is using Tetra Tech as its contractor to conduct the pilot test and the Feasibility Study (FS) to evaluate both excavation and air sparging/soil vapor extraction (AS/SVE) at this Site. The pilot test and scope of the Feasibility Study are a direct result of EPA's consideration of the Tribe's input, as EPA engages with the Tribe on the investigation and selection of a source control remedy pursuant to the *EPA Policy on Consultation and Coordination with Indian Tribes* (May 4, 2011).

As discussed with you on August 28th and with your staff on August 31st, Tetra Tech is working on both tasks concurrently. EPA shared Tetra Tech's draft pilot test workplan with you on September 19th and my staff is currently reviewing it. We will continue to coordinate the work necessary to complete the pilot test as soon as we can. EPA appreciates the Tribe's efforts to expedite review of the pilot study workplan. We understand your need to convene a Tribal Council meeting and that your next meeting date is currently scheduled for Monday, September 25th. Please inform us as soon as possible of the outcome of your meeting.

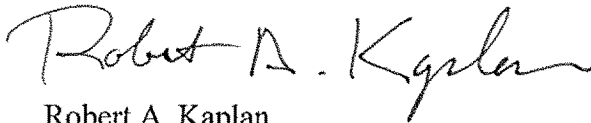
We anticipate receiving the draft FS report during the week of September 25th, and will share it with you for comment as well. As this document is also time critical, we ask that you provide any comments that you may have on the FS as soon as possible in order to retain the ability to begin addressing the contamination in the source area this construction season.

We agree that appropriate access for all active parties is essential to Site progress. By law, EPA cannot secure access to the Site for anyone who is not an officer, employee or representative of the EPA. Thus, all the governmental parties should be prepared to secure their own access from the owners of the properties at the Site. If EPA can assist in facilitating access, by furthering communication among the parties, EPA will do so to the best of our ability.

I note your statements in your August 16th letter about the need to formalize the EPA-Tribe regulatory relationship and shared expectations. As we discussed while we met on August 15th, I suggest that an exchange of letters, rather than a formal agreement would be the most productive way to document any necessary arrangements.

We want to continue building on the extensive communication and consultation that have already taken place between EPA and the Tribe. I look forward to continuing our work to achieve a protective remedy at the Site.

Sincerely,

A handwritten signature in cursive script that reads "Robert A. Kaplan". The signature is written in dark ink and is positioned above the printed name and title.

Robert A. Kaplan
Acting Regional Administrator

cc: Larry Wawronowicz
Beverly Labarge